

EXHIBIT 30

KEVIN RAYBURN
FAIR FIGHT ACTION vs BRAD RAFFENSPERGER

December 06, 2019

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FAIR FIGHT ACTION, INC, et al.)
)
Plaintiffs,) Civil Action No.
) 18-cv-5391 (SCJ)
)
vs.)
)
BRAD RAFFENSPERGER, et al.,)
)
Defendants.)
- - - - -)

VIDEOTAPE DEPOSITION OF
KEVIN RAYBURN

Friday, December 6, 2019, 9:24 a.m.

Robbins, Ross, Alloy, Belinfante, Littlefield
500 14th Street, N.W.
Atlanta, Georgia 30318

WANDA L. ROBINSON, CRR, CCR, No. B-1973
Certified Shorthand Reporter/Notary Public

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1 take.

2 So, for example, with the national change
3 of address list maintenance process, when it comes
4 to that time of the year, and we do it every two
5 years, so the training coordinator will put together
6 a 2019 NCOA training guide, might be eight pages,
7 and put that on Firefly and get that out and also do
8 a webinar.

9 Q Are all of the training materials that we
10 talked -- I'm sorry.

11 First, are there any other training
12 materials, things you think of as training
13 materials, that we didn't just talk about?

14 A There are legacy training materials on
15 Firefly. Firefly is a repository. So there's
16 training materials over time that go back probably
17 to maybe 2014-ish. So that is -- those are training
18 materials that are out there.

19 There are conferences with all the local
20 election officials. Basically one a year, two a
21 year. If there were two conferences, they combine
22 them into one. So there's presentations created for
23 that.

24 Counties create some presentations. Our
25 office is asked to present, and so we create

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1 presentations. So that would be training materials,
2 in my view.

3 Q Do you review the presentations or the
4 PowerPoints of the presentations that your office
5 does?

6 A Not -- no. Not other people's.

7 Q So when you talk about the training
8 material review that you do, it doesn't include
9 other people's PowerPoints at the conference?

10 A Correct.

11 Q Do you review OEBs that go out?

12 Sorry. Official Election Bulletins that
13 go out?

14 A Sometimes. Not always.

15 Q Have you done any review of the stuff
16 that's on Firefly that's older material to see if
17 it's still accurate?

18 A I have not gone through all those
19 documents to determine if they're still accurate.

20 Many of them have date stamps on them,
21 date and month. But, no, I don't believe I've gone
22 through and systematically looked at each one and
23 determined if it's still accurate.

24 Q So your review of training materials, is
25 that sort of prospective only?

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1 libraries.

2 Q I don't know. I was hoping you would.

3 So people can register to vote at
4 libraries?

5 A Yes.

6 Q At public libraries?

7 A Yes.

8 Q And, you know, she talks about how the
9 process is automated with DMVs?

10 A Yes.

11 Q And, briefly, glossing over things, I'm
12 sure, basically the way that works is if you're
13 registered to vote at the DMV, it kind of
14 automatically syncs with The Secretary of State's
15 voter registration data?

16 No, go ahead.

17 A Automatically syncs could mean different
18 things. So --

19 Q Fair enough.

20 A -- when you interact with the Department
21 of Driver Services in Georgia, they present you with
22 a question if you want to register to vote. They
23 show your eligibility. Since September of 2016,
24 we've implemented automatic voter registration. So
25 as long as you don't say no and you sign, then that

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1 registration data nightly comes over to the Georgia
2 Secretary of State's Office. It's picked up
3 automatically by our voter registration system,
4 divvied up to each county where the address of that
5 interaction came -- the resident's address of that
6 person and it's on the county dashboard to be
7 processed.

8 Q Right. Okay.

9 So I guess what is being proposed in this
10 email that we just looked at is doing something like
11 that but with library voter registration?

12 A That's probably their intent. Libraries
13 currently -- I believe they have people fill out a
14 paper application that gets manually mailed in and
15 typed in by clerical staff.

16 So more steps involved.

17 Q And so looking at the email chain, that
18 email originally went to Mr. Germany and he forwards
19 it to you and says what do you think? And you
20 respond.

21 Yours is the May 13, 7:00 p.m. email sent
22 from your iPhone, appropriately at 7:00 p.m.?

23 A Okay.

24 Q And then that gets sort of forwarded up
25 and there's an exchange between, May 13, between the

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1 BY MR. KAISER:

2 Q So you got Exhibit 93. It's an email
3 exchange from August of this year, 21st and 22nd.
4 Is that right?

5 A Yes.

6 Q I'm not interested about the top one very
7 much but the bottom one.

8 This is an email from Chris Harvey to,
9 among other people, you, right?

10 A Yes.

11 Q What's NGE?

12 A NGE is our process, as laid out in the
13 National Voter Registration Act, of taking people
14 who are in inactive status and lawfully moving them
15 to cancel status, after providing them notice and
16 waiting for two federal elections where they have
17 not voted.

18 Q Sure. So this says "NGE thought," right?

19 A Yes.

20 Q This is apparently Mr. Harvey having an
21 idea about one aspect of how Georgia could do NGE?

22 A Or as far as communicating to the public
23 how we are running NGE.

24 So at this point in time we were already
25 in the process of, I believe, preparing to run the

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1 You had talked earlier, when we talked
2 about some of the national groups you work with,
3 about best practices for elections.

4 A Yes.

5 Q Do you remember that?

6 A Yes.

7 Q Is there a process by which best practices
8 for elections are considered by the Georgia
9 Secretary of State's Office?

10 Does that make sense?

11 A There is not a formal process. So I think
12 as me or Chris Harvey interact with other states and
13 read white papers and policy papers, I think as we
14 hear ideas that we think are good and we may want to
15 implement, we might share them internally.

16 Q Right, and I think the last two documents
17 we've seen, are those examples of that?

18 Well, I guess the first one is not an
19 example of that, but it's an example of trying to
20 figure out to do something different?

21 A This is a good -- this one right here is a
22 good example of that.

23 Q Can you think of examples of that that
24 you've learned with your work with national
25 organizations that you've brought back to Georgia?

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1 A Joining the organization ERIC is probably
2 the best example.

3 Q Okay.

4 That was accomplished through HB 316?

5 A Specific authority and the law was
6 accomplished through House Bill 316 and the
7 Secretary of State joined earlier this year.

8 Q When ideas like that come up, this one
9 with Ohio, joining ERIC, perhaps the library, how do
10 you decide whether Georgia should adopt that
11 practice?

12 A So I don't get to make the decision on
13 whether Georgia does adopt it, but I would normally
14 do some research, and then if asked provide my
15 opinion.

16 Q Who makes the decision?

17 A I would -- it depends on what the change
18 is, but I mean something like publishing the list of
19 people to be cancelled through a list managed
20 process or something like joining ERIC I think would
21 normally go to the Secretary of State ultimately to
22 make the call.

23 Q Have you briefed the Secretary of State or
24 met with the Secretary of State about decisions
25 around making changes like these?

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1 A So this would have --

2 Q So summer of '18 through fall of '18.

3 A So this would have been under 21-2-220.1,
4 which passed in 2017 or '18, I think. So this is
5 the second process of the HAVA match.

6 So at this time there was -- if you had a
7 paper application that was put into eNet, their
8 voter registration system, and there was a driver's
9 license number put in, then there's an overnight
10 process to check whether the first name field, last
11 name field, date of birth field, driver's license
12 number field, and social security, last four of
13 social field, match what was on the driver's license
14 database.

15 And if it -- if all of those were yeses --
16 it's reported back as a yes/no kind of file -- at
17 that time they should go active.

18 There's one more check I didn't mention.
19 Also checking whether they provided proof of
20 citizenship at Driver Services and obtained a real
21 ID, or real ID -- real ID, compliant ID.

22 Q Yeah.

23 A So assuming all those were yeses, they
24 would go active.

25 Q So it looks like -- sorry. Do you have

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1 completed that review.

2 Q Okay. I think that's all I've got on that
3 document.

4 All right. So that let's talk about match
5 pre-HB 316.

6 Post -- now with HB 316, what's the
7 process?

8 A So it's a similar process where we're
9 talking about paper applications. When they come
10 in, they're added to the system. There's an
11 overnight check that takes this data, checks it
12 against Department of Driver Services. The fields
13 being checked has not changed. The criteria for a
14 match has not changed, to my knowledge.

15 What's different then is if there is a no,
16 what happens next. That has changed. Whereas
17 previously a no in first name, last name, date of
18 birth, driver's license number would result in the
19 record being in pending status and a letter being
20 generated letting them know you've got 26 months to
21 resolve this, telling them where they can vote and
22 all those things.

23 Instead of that, under House Bill 316,
24 those records would go active. They would be
25 actively registered, and then the only question is,

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1 were we able -- kind of goes back to the -- it's the
2 MVRA process.

3 Did you provide a copy of ID when you
4 registered by mail? And if not, were we able to
5 verify your identification number, driver's license,
6 social security number, with the appropriate agency?

7 If both of those are no, then you are
8 flagged MIDR, yes, as in you still need to show ID
9 before you can vote.

10 Q What happens if someone is in MIDR status
11 and they request an absentee ballot?

12 A So, I believe, the statute says they are
13 to be sent -- it might be 21-2-381, I think -- sent
14 a provisional absentee ballot with instructions that
15 they need to show ID before it will count. I
16 believe that's what the statute says.

17 MR. KAISER: Do you mind we take a break
18 at this point and go off the record.

19 THE VIDEOGRAPHER: We are going off the
20 record at 2:40 p.m.

21 (A recess was taken.)

22 THE VIDEOGRAPHER: We are going back on
23 the record at 2:57 p.m.

24 BY MR. KAISER:

25 Q Let me go back and just ask one sort of